IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3990 OF 2005

Shri Thakur Bhulchand Bhairwani ...Applicant
Vs.
The State of Maharashtra & Ors. ...Respondents

Shri E.B. Dixit for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent No.1.
Shri Chaurasia i/by Shri A.M.Sarogi for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : OCTOBER 10, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant, the learned A.P.P. for the State and the learned Advocate appearing for the Respondent No.2.

2. The prayer in this Application is for cancellation of Anticipatory Bail granted by the learned Additional Sessions Judge by order dated 14th January, 2005. The learned Advocate for the Applicant submitted that the only ground on which Anticipatory Bail is granted is that the complaint with the police was lodged by the Applicant/original complainant two years after the demand drafts/pay orders were encashed by the Respondent No.2. He pointed out that the complaint made by the Applicant to the Economic Offences Wing on 28th September, 2004 discloses that the complaint was filed immediately after the

Applicant learned that two demand drafts issued in his name were encashed by the Respondent No.2 by opening a false account by impersonating the Applicant. He submitted that this was not brought to the notice of the learned Additional sessions Judge when the Application for Anticipatory Bail was granted. The learned A.P.P. on instructions of the Investigating Officer stated that the Respondent no.2 has appeared for interrogation after Anticipatory Bail was granted. It is pointed out that the chargesheet has been filed on 10th May, 2005.

3. The learned Advocate for the Applicant by way of reply submitted that chargesheet has been filed without making proper investigation and without recording the statements of material witnesses.

4. I have considered the submissions. The order granting Anticipatory Bail was passed on 14th January, 2005. From the statement made by the learned A.P.P. it appears that the present Application was filed after the completion of investigation. Therefore, at this stage, the Application for cancellation of Anticipatory Bail cannot be considered. If the Applicant has any grievance about the nature of investigation carried out or the defective

investigation, remedy of the Applicant to take proper steps is always open.

5. In view of this position, no case is made out for cancellation of Anticipatory Bail as of today. Subject to observations which are made above, the Application is rejected.

JUDGE